

of 28.7 million people, half of whom live below the severe poverty line, the Ways and Means Committee instead held what's called a mock markup session last week. There were no recorded votes. It was a mock session. No recorded votes. No Member outside of the committee was invited to testify or comment, and they kept the old fast track procedure where they're going to bring it up here and not allow any amendments. It's another inside deal, because if you really had a full deal, a square deal, a fair deal, the majority of Members of this Congress would not vote for it, so they have to put handcuffs on everybody in order to try to maneuver it through here.

Had I been allowed to submit testimony on the record at the hearing, I would have voiced my strong opposition to this NAFTA-style agreement that is destined to further exploit the struggling working classes in Peru and the United States. Unless it results in new jobs for our country and growing trade balances, rather than more deficits, no Member should support it. Any trade agreement that passes here should have mutually beneficial approaches which yield trade balances and jobs in our country.

I'd ask my colleagues to defeat this exploitative NAFTA expansion model for Peru.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 1815

ANITA HILL AND SEXUAL HARASSMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, sometimes you come to the floor in a moment of personal privilege and you come because you feel compelled to speak to those and for those whose voices cannot be heard in this forum. And today I do such a task, and the task involves more than a decade-old allegation that now has been re-ignited, given new life through the memoirs of Supreme Court Justice Clarence Thomas.

Everyone has a right to defend themselves and to express the concerns that they may have regarding their reputation. All of us do. But I think it is important to take issue with the broad media coverage that Justice Thomas has secured over these days with an intent, it seems, to malign, if you will, the words, the testimony, and the truth told by Anita Hill.

Though over four decades have passed since title VII of the Civil Rights Act of 1964 prohibited employ-

ment discrimination based on race, sex, color, national origin, or religion, a glance at today's New York Times reminds us that workforce harassment is, unfortunately, still raising its ugly head.

I am, frankly, offended by the attempt by Justice Thomas to suggest that Ms. Hill was not telling the truth. I do so because, of course, in the forum that he utilizes, Ms. Hill is not able to answer her accuser.

In listening to an interview that Ms. Hill did, she emphasizes that she was telling the truth, that there was, in her opinion and others who were witnesses, the same. But I really wonder why we would have to condemn the idea that sexual harassment does not occur and why, in trying to suggest that it doesn't occur, we would have to malign a person's actions or personality with such phrase as: Well, what was she like? Well, she could defend herself. The sentence was not finished. Defend herself against what? Suggesting that she was not the demure, religious, conservative person, I guess, that maybe she was alleged to have portrayed during those hearings before the Senate.

I didn't see any of that. I saw a young, energetic, but yet quiet, frightened, and intending-to-tell-the-truth young woman. I saw a young woman with courage who refused to back down in spite of the lights of all the world.

Mr. Speaker, sexual harassment is alive and well. You can ask some of my constituents at Ellington Air Force Base in Houston, TX. You can ask individuals who have called my office who have indicated that that is what is occurring to them in the workplace.

Ms. Hill's actions during that time were brave. To bring them up and drag her through the mud again in 2007 with little opportunity for her, a professor in Oklahoma, to have the same kind of hearing is unfair and does a great disservice to the work that women have done, that the National Organization of Women has done, and that so many Members of Congress have done, who have tried to bring equality to women.

The controversy raised national awareness about sexual harassment in the workplace, with the number of sexual harassment complaints received by the Equal Employment Opportunity Commission spiking from 6,127 in 1991 to 15,342 in 1996. Why? Because women felt that at last someone had broken the glass ceiling and they could speak up.

The American Association of University Women reported that, according to a 2002 study of eighth to 11th grade students, 83 percent of girls and 78 percent of boys have been sexually harassed. So it crosses gender.

I believe a Supreme Court Justice should not have taken the opportunity in a public forum to give disdain to that which we are now trying to overcome. So I want to put into the RECORD, Mr. Speaker, the New York Times op-ed by Anita Hill, "The Smear This Time," and I would simply ask,

Mr. Speaker, that we would recognize that sexual harassment is alive and well and that Anita Hill should not be the scapegoat for someone else trying to repair their reputation.

Mr. Speaker, I rise tonight to discuss an issue that continues to plague our society: sexual harassment. Though over four decades have passed since Title VII of the Civil Rights Act of 1964 prohibited employment discrimination based on race, sex, color, national origin, or religion, a glance at today's New York Times reminds us that workplace harassment is, unfortunately, still rearing its ugly head in our society. I am extremely concerned about sexual harassment, which statistics indicate remains pervasive in the United States, as well as the rest of the world.

Mr. Speaker, though the phrase "sexual harassment" was coined in the 1970s, it came to the forefront of our national conscience in 1991, with the confirmation hearings for Clarence Thomas's nomination to the Supreme Court. Anita Hill, then a law professor at the University of Oklahoma, alleged that Thomas sexually harassed her during her tenure as his assistant at the U.S. Department of Education and then on his legal staff at the U.S. Equal Employment Opportunity Commission. Despite her testimony before the Senate, Thomas was eventually confirmed by a narrow 52-48 margin.

As Ms. Hill writes in today's New York Times, "The question of whether Clarence Thomas belongs on the Supreme Court is no longer on the table—it was settled by the Senate back in 1991." And yet, Mr. Thomas has chosen to use his prestige and his position to once again launch an attack against Ms. Hill, again blaming the victim of his alleged harassment. In his recently published book "My Grandfather's Son", for which Thomas has received a reported \$1.5 million, Thomas smears Ms. Hill's name, not only calling her testimony lies, but also personally attacking her, describing her as "touchy and apt to overact," and her job performance as "mediocre." In recent interviews surrounding the publication of his book, Thomas has gone even farther, questioning her political views as well as her religious convictions, stating on the TV show "60 Minutes", "She was not the demure, religious, conservative person that they portrayed."

Mr. Speaker, I am appalled that Justice Thomas has once again victimized Ms. Hill, now a professor of social policy, law and women's studies at Brandeis University and a visiting scholar at the Newhouse Center for the Humanities at Wellesley College. Not only is this yet another case of blaming the victim of abuse, it sets a dangerous precedent of reversing the substantial progress toward combating sexual harassment that we have made since 1991. As Ms. Hill eloquently writes, "Our legal system will suffer if a sitting justice's vitriolic pursuit of personal vindication discourages others from standing up for their rights." Mr. Speaker, sexual harassment is already grossly underreported, and this underreporting will only worsen if the women and men who are victimized are made afraid of decades of retribution, such as Ms. Hill continues to face, should they speak up about the abuse.

Ms. Hill's bravery in standing up before the Senate and the country in 1991 and sharing her experiences has led to a number of positive repercussions. The controversy raised national awareness about sexual harassment in

the workplace, with the number of sexual harassment complaints received by the Equal Employment Opportunity Commission (EEOC) spiking from 6,127 in 1991 to 15,342 in 1996. Recent years have seen the number of sexual harassment cases hovering around 15,000, and in FY 2006 the EEOC reported 12,025 charges of sexual harassment.

However, these numbers cannot even begin to illustrate the reality of sexual harassment. According to a 2004 study, 35 percent of women and 17 percent of men surveyed reported being sexually harassed. Sexual harassment is pervasive in our educational system, with the American Association of University Women reporting that, according to a 2002 study of 8th–11th grade students, 83 percent of girls and 78 percent of boys have been sexually harassed. The same organization also conducted a study of university students in 2006, finding that 62 percent of college women and 61 percent of college men report harassment, while 31 percent of university students admit to sexually harassing someone else. Despite progress toward addressing this serious issue, our children remain extremely vulnerable to harassment.

Sexual harassment also remains distressingly prevalent in our military. Women have become an integral part of our Nation's armed services, and they now fill 15 percent of military ranks worldwide. After a series of sex scandals in the 1990s, the United States military has made a conscientious effort to address this ongoing problem. The military now holds regular workshops on preventing sexual harassment, and each battalion has a designated Equal Opportunity representative trained to respond to any complaints.

However, with unprecedented numbers of women deployed to Iraq and Afghanistan, recent complaints by female veterans of these conflicts have indicated that a great deal more must be done. To date, over 160,000 female soldiers have been deployed to Iraq and Afghanistan, as compared with the 7,500 who served in Vietnam and the 41,000 who were dispatched to the gulf war in the early '90s. One of every 10 U.S. soldiers in Iraq is female. According to Army studies, female soldiers in Iraq suffer from post traumatic stress disorder at twice the rate of their male counterparts, with 16 percent of female soldiers meeting the criteria for PTSD, as opposed to 8 percent of male soldiers. Women returning from conflict must not only deal with the psychological remnants of the conflict, many also have experienced harassment by their male counterparts.

Mr. Speaker, the courageous recent testimony of several female Iraq veterans indicates that the military's new measures have not been successful in eliminating sexual harassment. A study funded by the Veterans' Administration after the first gulf war suggested that the rates of both sexual harassment and assault rise during wartime. Unfortunately, a number of female Iraq veterans interviewed earlier this year by the New York Times spoke of a pervasive sense that reporting sexual crimes was not worthwhile. This is confirmed by Department of Defense statistics, which indicate that while 3,038 investigations of military sexual assault were completed in 2004 and 2005, only 329, or about one-tenth, of these cases resulted in a court-martial.

Sexual harassment is not confined to our Armed Forces. Though Ms. Hill's courageous

testimony served as a flash point to illuminate the serious problem of sexual harassment in the workplace, the over 12,000 complaints that the Equal Employment Opportunity Commission heard last year clearly indicate that this problem has not been adequately addressed. Though the provision in title VII of the Civil Rights Act of 1964 that prohibits employment discrimination based on gender was originally written to protect women, I believe it is extremely important to highlight the fact that men too are victims of sexual harassment. In fact, recent years have shown a rapid increase in the number of men reporting sexual harassment, from 9 percent of the cases received by the equal Employment Opportunity Commission in 1992 to 15.4 percent in 2006. This is not just the case in the United States; a 2006 study by the government of the United Kingdom indicated that two-fifths of all sexual harassment victims are male. If we are to adequately address this ongoing problem in our society, I believe it is extremely important that we recognize that sexual harassment is perpetrated by both men and women, and victimizes individuals of both genders.

Mr. Speaker, much has changed since 1991. After the controversy surrounding Justice Thomas's confirmation was decided by a Senate that was 98 percent male, 1992 saw the election of a record number of female candidates to public office, including a number of women to the Senate. Subsequently dubbed the "Year of the Woman," the 1992 elections were, according to many commentators, a direct reaction to Justice Thomas's nomination and confirmation. Women have since continued to become increasingly involved in politics.

Mr. Speaker, I do believe that we are on the right track. The Equal Employment Opportunity Commission reports that the number of sexual harassment cases has doubled in recent years, and of the 12,025 cases the commission received in fiscal year 2006, 11,936 were resolved, and victims were awarded \$48.8 million in monetary benefits. This is an enormous increase from total awards of \$7.7 million in 1991 and \$27.8 million in 1996.

If this progress is to continue, the women, and men as well, who are victims of sexual harassment must be encouraged to come forward. What Anita Hill did in 1991 was incredibly brave; she stood in the face of the powerful to tell the truth about abuses she faced. I am appalled to see Justice Thomas use his prestige and his recent book to lash out, once again, at Ms. Hill. Though over 15 years have passed, and Justice Thomas's position in the Supreme Court is not under threat, he continues to use his pulpit to the detriment of efforts to end sexual harassment.

Mr. Speaker, sexual harassment is real, it remains an unfortunate part of our society, and we must do far more to combat it. Anita Hill concludes her article by stating, "questions remain about how we will resolve the kinds of issues my testimony exposed. My belief is that in the past 16 years we have come closer to making the resolution of these issues an honest search for the truth, which, after all, is at the core of all legal inquiry. My hope is that Justice Thomas's latest fusillade will not divert us from that path." I sincerely share Ms. Hill's hope.

THE SMEAR THIS TIME

(By Anita Hill)

WALTHAM, MASS. On Oct. 11, 1991, I testified about my experience as an employee of

Clarence Thomas's at the Equal Employment Opportunity Commission.

I stand by my testimony.

Justice Thomas has every right to present himself as he wishes in his new memoir, "My Grandfather's Son." He may even be entitled to feel abused by the confirmation process that led to his appointment to the Supreme Court.

But I will not stand by silently and allow him, in his anger, to reinvent me.

In the portion of his book that addresses my role in the Senate hearings into his nomination, Justice Thomas offers a litany of unsubstantiated representations and outright smears that Republican senators made about me when I testified before the Judiciary Committee—that I was a "combative left-winger" who was "touchy" and prone to overreacting to "slights." A number of independent authors have shown those attacks to be baseless. What's more, their reports draw on the experiences of others who were familiar with Mr. Thomas's behavior, and who came forward after the hearings. It's no longer my word against his.

Justice Thomas's characterization of me is also hobbled by blatant inconsistencies. He claims, for instance, that I was a mediocre employee who had a job in the federal government only because he had "given it" to me. He ignores the reality: I was fully qualified to work in the government, having graduated from Yale Law School (his alma mater, which he calls one of the finest in the country), and passed the District of Columbia Bar exam, one of the toughest in the nation.

In 1981, when Mr. Thomas approached me about working for him, I was an associate in good standing at a Washington law firm. In 1991, the partner in charge of associate development informed Mr. Thomas's mentor, Senator John Danforth of Missouri, that any assertions to the contrary were untrue. Yet, Mr. Thomas insists that I was "asked to leave" the firm.

It's worth noting, too, that Mr. Thomas hired me not once, but twice while he was in the Reagan administration—first at the Department of Education and then at the Equal Employment Opportunity Commission. After two years of working directly for him, I left Washington and returned home to Oklahoma to begin my teaching career.

In a particularly nasty blow, Justice Thomas attacked my religious conviction, telling "60 Minutes" this weekend, "She was not the demure, religious, conservative person that they portrayed." Perhaps he conveniently forgot that he wrote a letter of recommendation for me to work at the law school at Oral Roberts University, in Tulsa. I remained at that evangelical Christian university for three years, until the law school was sold to Liberty University, in Lynchburg, Va., another Christian college. Along with other faculty members, I was asked to consider a position there, but I decided to remain near my family in Oklahoma.

Regrettably, since 1991, I have repeatedly seen this kind of character attack on women and men who complain of harassment and discrimination in the workplace. In efforts to assail their accusers' credibility, detractors routinely diminish people's professional contributions. Often the accused is a supervisor, in a position to describe the complaining employee's work as "mediocre" or the employee as incompetent. Those accused of inappropriate behavior also often portray the individuals who complain as bizarre caricatures of themselves—oversensitive, even fanatical, and often immoral—even though they enjoy good and productive working relationships with their colleagues.

Finally, when attacks on the accusers' credibility fail, those accused of workplace

improprieties downgrade the level of harm that may have occurred. When sensing that others will believe their accusers' versions of events, individuals confronted with their own bad behavior try to reduce legitimate concerns to the level of mere words or "slights" that should be dismissed without discussion.

Fortunately, we have made progress since 1991. Today, when employees complain of abuse in the workplace, investigators and judges are more likely to examine all the evidence and less likely to simply accept as true the word of those in power. But that could change. Our legal system will suffer if a sitting justice's vitriolic pursuit of personal vindication discourages others from standing up for their rights.

The question of whether Clarence Thomas belongs on the Supreme Court is no longer on the table—it was settled by the Senate back in 1991. But questions remain about how we will resolve the kinds of issues my testimony exposed. My belief is that in the past 16 years we have come closer to making the resolution of these issues an honest search for the truth, which, after all, is at the core of all legal inquiry. My hope is that Justice Thomas's latest fusillade will not divert us from that path.

THE HOUSE COMMITTEE ON RULES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. DREIER) is recognized for 60 minutes as the designee of the minority leader.

Mr. DREIER. Mr. Speaker, I think this is the first time in the 110th Congress that I have stood here taking out a 1-hour Special Order, and I don't do this very lightly and obviously I don't do it terribly often. But, Mr. Speaker, I am here to address an issue that, frankly, doesn't get a great deal of attention either in this House or among the American people.

Last week my very distinguished colleagues, with whom I am pleased to serve on the House Rules Committee on the minority side, the gentleman from Miami, FL, LINCOLN DIAZ-BALART; the gentleman from Pasco, WA, DOC HASTINGS; and the gentleman from Dallas, TX, PETE SESSIONS; and I came together. And we, after a great deal of research, have compiled a report and unveiled this.

This report, Mr. Speaker, is entitled "Out of Order," and I would commend it to all of my colleagues. It is relatively short, about 10 or 11 pages, has got a number of graphs, and it is available for any one of our colleagues who would like to see this report. You can get it on the Web right now if you'd like, Mr. Speaker, at rules-republicans.house.gov. And I will repeat that again. It's rules-republicans.house.gov.

And what we are going to do, Mr. Speaker, over the next hour is we are going to hear about this report, and a number of our very distinguished colleagues who have, for lack of a better term, been victimized by the actions of this Rules Committee are going to share with our colleagues some of the experiences that they have had.

Now, one might say that we are here whining or complaining about our mis-

treatment. Mr. Speaker, nothing could be further from the truth. Nothing could be further from the truth. We are here because the American people, Democrats, Republicans, and independents alike, were promised something much different than what they have gotten. We are not here to whine. We are not here to complain. We are here to fight on behalf of the American people's right to be heard, the right to ensure that our deliberative democracy is, in fact, that; that our process of representative democracy is able to flourish. And, tragically, if one looks at this report, over the last 9 months we have found that that has not, in fact, been the case.

Now, many might argue these guys want to just talk about process. Mr. Speaker, I say to my colleagues process is substance. It has been through this horrendous process that we have seen, in the farm bill, a massive tax increase that was written into place by the Rules Committee. We have found, through this Rules Committee, that they have prevented us from having the opportunity to bring gasoline prices down, and we all know that gasoline prices are incredibly high. How did they do that? By denying an opportunity for us to have an amendment that would have done what virtually everyone says is essential in our quest to reduce gasoline prices, and that is to increase refinery capacity. Unfortunately, the permitting process is so onerous that it has been literally decades since we have seen a new oil refinery put online.

What happened? Right upstairs, just one floor above where we are now, Mr. Speaker, we saw that process utilized to prevent us from having the ability to even have a vote on whether or not we would create the potential to increase refinery capacity.

And then in the dead of night, in the very dead of night on the so-called SCHIP bill, which virtually every single one of us want to make sure that poor kids are able to have access to health care, we want to do that, but we don't want us to proceed with something that was done in the dead of night at 1 o'clock in the morning by the Rules Committee, and that is take the Medicare Advantage program and basically throw that out the window, undermining the ability for senior citizens to have access to quality health care.

And so this notion of our, as some have liked to say, whining about process is not the case. We are here fighting on behalf of the American people so that we can have some success with the process of representing them as effectively as possible.

Now, we know that throughout the last couple of years and, in fact, at the beginning of this year, we, as Members of the United States House of Representatives, were promised an awful lot. And, Mr. Speaker, I know that often the other side will simply raise criticism about how we as Republicans

managed this institution. And I have admitted that we have made mistakes. I admitted that we didn't do it perfectly. And I know we have three present members of the Rules Committee and one former member of the Rules Committee here, and I have acknowledged to them that we didn't do everything perfectly.

But I will say this, Mr. Speaker: our discussion here is not about what we did. It is about what Members of the new majority promised they were going to do.

I would like to share a couple of quotes, and we have got some charts here. I don't often use charts, Mr. Speaker, but I think it is important to point to some of the things that were said.

Here is a quote from STENY HOYER, the majority leader. Let's look at this, Mr. Speaker. In testimony that he gave before the Rules Committee on June 23 of 2003, he said: "Mr. Chairman," I guess he was addressing me at that point. He said: "The lack of a free and fair debate on such important matters is an embarrassment to the Members who are privileged to serve here. It demeans this House. It cheats the American people, and it offends our democratic traditions."

So we were promised that there would be a new day, a new day when they became the majority. Let me just take a moment to look at the track record, and then I want to begin yielding to some of my colleagues.

In the last 9 months, this Rules Committee has issued more than double, in fact, many more than double the number of closed rules than our Republican majority Rules Committee did. Now, Mr. Speaker, for those of our colleagues who may not have been following this all that closely, it means no amendments and very limited debate. So we were promised this new open process that was denied in the past, and yet they have come forward with more than twice as many completely closed rules, shutting out any opportunity for amendment.

This Rules Committee has rejected more minority-sponsored amendments than the Rules Committee of the past did.

□ 1830

And Mr. Speaker, this Rules Committee has, unfortunately, reduced by a full day the amount of time that Members and their staff have to review the bills and to submit their amendments. So they promised that all this great deliberation was going to take place, and they've actually cut nearly in half the amount of time the Members have to review and look at and offer amendments to measures.

One of the most outrageous things of all, Mr. Speaker, one of the most outrageous policies to come forward is one which is a slap in the face at any American who has their Representative here trying to offer an amendment for them. For management purposes, if the